

Proposed Changes to the Rules, Policies, and Procedures

Amendment Proposals

Prepared By: CPC Staff

Date: February 26, 2014

The City Planning Commission, at its December 10, 2013 meeting, moved to schedule for public hearing and formal consideration proposed revisions to its established Rules, Policies and Procedures. These amendments are generally related to the following matters: 1) The submission, distribution and public access to written reports; 2) The reconciliations of an inconsistency with the City Charter relative to the Department of Property Management's obligations regarding long-term lease review; 3) The modification and expansion of the Commission's Historic Non-Conforming Use Policy; 4) Updates for consistency with the City's recently adopted Neighborhood Participation Plan; 5) Updates for consistency with State Law; 6) Modifications to the Street Renaming Policy; and 7) Other general revisions to inconsistencies throughout the document.

PROPOSED AMENDMENTS

1. Changes to Submission, Distribution and Public Access to Written Reports

Chapter I – Section A. Meetings, Item 13.a: Submission, Distribution and Public Access to Written Reports:¹

Existing: “All written reports, studies, analyses, comments, critiques, e-mail messages, statements, petitions, graphs, renderings, drawings, photographs, depictions, maps, charts and other 2-dimensional and 3-dimensional matters related to the docket items shall be submitted to the Commission by the close of business on the Wednesday that precedes the regular meeting. Each submission shall include a specific reference to the docket number.”

Proposed: “All written reports, studies, analyses, comments, critiques, e-mail messages, statements, petitions, graphs, renderings, drawings, photographs, depictions, maps, charts and other 2-dimensional and 3-dimensional materials related to docket items shall be submitted to the Commission by the close of business on the Monday eight days before the public hearing. Each submission shall include a specific reference to the docket number.”

Reason for Change: This change is to re-set the deadline for submittal of information submitted in support of or in opposition to an item before the City Planning Commission for consideration, based on changes in the release dates for staff reports.

¹ See pages 15-16 of Attachment A.

2. **Requested Changes by the Department of Property Management, Division of Real Estate and Records to Reconcile Inconsistencies with the City Charter relative to the Department of Property Management's Obligations Regarding Long-Term Lease Review**

Chapter I, Section G.3., Items A.6 thru C.3, Policy for City Purchase of Land and for Disposition of City Immovable Public Property:²

Existing: The current language states that the Department of Property Management “should not enter into any lease of a public street, alley, sidewalk, or other portion of a public right-of-way until such time as the recommendation of the City Planning Commission can be provided...”

Proposed: The language preventing action by the Department of Property Management has been eliminated. Additionally, a series of minor technical corrections are recommended to improve the clarity of the policy. The recommended language is provided in Attachment A, on pages 36 through 42.

Reason(s) for Change: The Department of Property Management has requested that this language be removed in order to prevent any potential conflict between the CPC's Administrative Rules and the City Charter, which does not provide for the CPC to limit such actions by the Department of Property Management.³

Additionally, the existing language includes some terminology that has proven to be unwieldy or unclear in the administration of the policy (for example, the determination of a “buildable lot” by the Executive Director, which is not defined elsewhere in the Rules or in the C.Z.O.).

3. **Modifications to the Spot Zoning Policy and Expansion of the Historic Non-Conforming Use Policy**

Chapter I, Section L.1, Zoning Administration, Spot Zoning Policy:⁴

Existing: “As a policy, the City Planning Commission will look with disfavor upon all requests for amendments to the Zoning Ordinance wherein such requests would constitute the removal of a parcel or parcels of land from its normal environment and give to it a new classification that disturbs the tenor of the

² See pages 36-42 of Attachment A for specific recommended language.

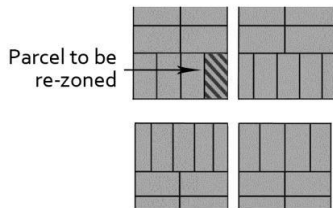
³ Section 6-302 of the City Charter requires that the procurement of immovable property be approved the CPC “as to its use,” provided that its approval is presumed if it fails to act within thirty days. Section 6-306 of the Charter requires that the disposition of immovable property be approved by the Mayor and the CPC prior to the City Council adopting an ordinance for such. The Charter does not provide any such requirements with respect to leases of immovable property.

⁴ See pages 62-63 of Attachment A.

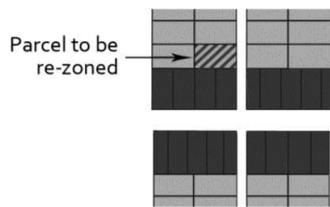
neighborhood or which action would result in preferential treatment of a parcel or parcels not afforded in similar zoning districts throughout the city.”

Proposed: “Spot zoning refers to zoning changes that have the effect of singling out a lot or other relatively small tracts of land for treatment different from similar surrounding parcels. These zoning changes have the effect of granting preferential treatment to these surrounding properties which is not also granted to surrounding, similarly situated properties.

An example of a spot zone is the creation of a new zoning district that is applied only to a limited number of properties which are similar to surrounding properties. The creation of this new zoning district has the effect of granting preferential treatment to these properties which is not also granted to surrounding, similarly situated properties.



Spot zoning can also include the expansion of existing zoning districts when the expansion has the effect of granting certain properties preferential treatment that is not also granted to surrounding, similarly situated properties.



As a policy, the City Planning Commission will generally object to requests for spot zones. However, in some instances, the City Planning Commission will be supportive of spot zones that are supported by the Historic Non-Conforming Use Policy.

Reason for Change: The City Planning Commission requested that the spot zoning policy language be clarified, particularly where it relates to requests to expand existing zoning districts to adjacent properties.

Chapter I, Section L.2, Zoning Administration, Historic Non-Conforming Use Policy:⁵

Existing: “As a policy, the City Planning Commission will look with disfavor upon all requests for amendments to the Zoning Ordinance wherein such requests would constitute the singling out of a lot or other relatively small tracts of land for treatment at law different from that accorded to similar surrounding land indistinguishable from it in character, where such different treatment of classification is effected either in disregard or repudiation of questions of need, value to the environment, harmony with a land use plan or relation to the surrounding neighborhood.

As a policy, the City Planning Commission may look with favor upon all requests for amendments to the Zoning Ordinance wherein such requests may constitute the singling out of a lot or other relatively small tracts of land for treatment different from that accorded to dissimilar surrounding land distinguishable from its character, where such different treatment of classification is effected in regard of questions of need, value to the environment, harmony with a land use plan (wherein such a plan is compatible with historical development of the neighborhood) or in relation to the surrounding neighborhood according to the following criteria:

General:

- A. The petition is generally consistent with the character of the surrounding neighborhood;
- B. The petition serves neighborhood need;
- C. The property has a history of serving neighborhood need prior to 1929;
- D. The petition is in harmony with the historic character of the surrounding neighborhood.

Specific:

- 1. The petitioned property must form the corner of two minor residential streets or two collector streets;

⁵ See pages 63-66 of Attachment A.

2. The petitioned property and its use or proposed use must be pedestrian oriented and not oriented to the automobile in a pedestrian oriented neighborhood;
3. The petitioned property should be developed with most or all of the following characteristics or proposed building which replaces a structure that had the following characteristics:
 - a. The building be built to the sidewalk and frame the corner;
 - b. The building entrance must be visible from both streets – typically on an angle at the corner;
 - c. The building must have either an overhang, gallery, balcony, or canopy over the sidewalk;
 - d. The building must have display windows and not have large blank walls;
 - e. The building must not be a conversion from a residential structure.
4. The petitioned zoning classification must be the most restrictive available to accommodate the class of uses to serve the neighborhood.”

Proposed: “The City Planning Commission may look with favor upon requests for spot zones in instances where the physical character and historic use of the parcel(s) are significantly dissimilar from surrounding properties in a manner that justifies differential treatment. This policy should be used to evaluate the spot zoning of non-conforming properties that are different in historic land use from surrounding properties, such as commercial structures, industrial structures such as warehouses, churches, and schools. When evaluating potential spot zones, a property’s historic land use, lot characteristics, setbacks, architectural characteristics, and other physical attributes should be considered to determine if the property is sufficiently dissimilar from surrounding properties. The following criteria should guide the analysis:

General:

- A. The request is consistent with the *Plan for the 21st Century*;
- B. The petition is in harmony with the historic character of the surrounding neighborhood;
- C. The request serves a neighborhood need;
- D. The property has a history of non-residential use.

Specific:

1. Historically commercial properties are often developed with the following characteristics:
 - a. The building is built to the sidewalk and frames the corner.
 - b. The building entrance is visible from both streets – typically at an angle at the corner.
 - c. The building has either an overhang, gallery, balcony, or canopy over the sidewalks.
 - d. The building has display windows, rather than large blank walls.
2. Historically industrial/warehouse properties are often developed with the following characteristics:
 - a. Structures are typically constructed of masonry or metal panels.
 - b. The interior of structures are often typified by expansive, open spaces suitable for manufacturing and/or storage.
 - c. Building façades are often austere, with relatively minimal façade articulation and/or ornamentation.
3. Historically institutional properties include religious buildings, schools, museums, libraries, hospitals and government buildings. These properties are often developed with the following characteristics:
 - a. Such properties are often developed with relatively large-scale structures.
 - b. Structures are typically situated on relatively sizeable lots.
 - c. Setbacks are often significantly dissimilar from surrounding properties.
4. The petitioned zoning classification must be the most restrictive available to accommodate the class of uses to serve the neighborhood.

Reason for Change: The Commission desired to expand the policy to include a larger range of historic non-conforming building types and uses, specifically former industrial and institutional structures.

4. **Changes for Consistency with the Neighborhood Participation Program (NPP) for Land Use Actions**

Chapter I, Section A.15, Neighborhood Organization Notice:⁶

The Neighborhood Participation Program for Land Use Actions (NPP) report made a number of recommendations regarding public notice of hearings on proposed land use actions. The existing language requires only that neighborhood associations and organizations be notified via electronic mail (e-mail) of public hearing matters within a certain area. The proposed Rules change would also require e-mail notice to interested individuals who have signed up for such notice. The Rules change also acknowledges that the City Planning Commission's registry of interested neighborhood associations is kept in association with other agencies of the City, such as the Mayor's Neighborhood Engagement Office.

Existing: 15. Neighborhood Organization Notice

"The City Planning Commission shall maintain a central registry of interested neighborhood associations and organizations that may be advised of the docketing of any application for public hearing in a zoning or subdivision matter to be considered by the Commission. The association or organization (1) shall maintain an accurate and updated e-mail address to which the information may be distributed, and (2) shall advise as to particular specific zip code(s) for geographic inclusion. In order to deal efficiently with these matters, when an application for public hearing in a zoning or subdivision matter has been filed, notice of same may be timely distributed within one (1) week of the docketing of the completed application. The organization or association will have the burden to familiarize itself with the appropriate rules, policies and procedures and to seek additional information from the applicant(s) as may be desired. This provision shall be effective January 1, 2006."

Proposed: 15. Public Notice

"The City Planning Commission in association with other agencies of the City shall maintain a central registry of interested neighborhood associations, organizations, and individuals that may be advised of a public hearing for any matter to be considered by the Commission. The association, organization, or individual (1) shall maintain an accurate and updated e-mail address to which the information may be distributed, and (2) shall advise as to specific geographic boundaries of interest. In order

Comment [TRB1]: Updates needed to provide current practice (NPP).

⁶ See page 18 in Attachment A.

to deal efficiently with these matters, when a public hearing has been scheduled, notice of same via electronic mail (e-mail) may be timely distributed within one (1) week. The organization, association, or individual will have the burden to become familiar with the appropriate rules, policies and procedures and to seek additional information as may be desired.”

Chapter I, Section G.1 Commission Policies, Plan for the 21st Century: New Orleans 2030:⁷

Existing: The CPC Rules, Policies and Procedures currently do not discuss amendment procedures for the Master Plan, which are only outlined in the City Charter. The NPP Report recommends that in addition to the requirements of the City Charter, proposed Master Plan amendments should be subject to requirements of a pre-application neighborhood meeting, publicly-available and electronically posted applications, and public notice, as are required for zoning actions in the Comprehensive Zoning Ordinance.

Proposed: “Amendments to The Plan for the 21st Century: New Orleans 2030, commonly called the Master Plan, shall follow the requirements and procedures of the City Charter. In addition, members of the public applying for a Master Plan amendment shall follow the Project Neighborhood Participation Program (NPP) Administrative Provisions and Notice Provisions provided and set forth in the Comprehensive Zoning Ordinance for zoning map amendments, conditional use permits, and planned development districts. These regulations notwithstanding, no Project NPP shall be required for any Master Plan amendment proposed by the City Council, City Planning Commission or City Administration.”

The CPC Rules, Policies and Procedure should specifically require the pre-application neighborhood meeting and mailed public notice for proposed changes to the Master Plan’s Future Land Use Map, in a manner consistent with the notice provisions for zoning map changes, conditional uses, and planned developments. As with the current NPP requirements in the Comprehensive Zoning Ordinance, text and graphics changes to the Master Plan should not require pre-application public meeting and mailed public notice. However, these proposals would still require public meetings and hearings, as outlined in the City Charter, and they would be

⁷ See page 32 of Attachment A.

posted on the City’s website with notice required by email to associations and individuals who have registered to receive notice.

Additional Suggestions:

With some additional suggested language for clarification purposes, the proposed paragraph would appear as follows:⁸

“Amendments to *The Plan for the 21st Century: New Orleans 2030*, commonly called the Master Plan, shall follow the requirements and procedures of the City Charter. In addition, members of the public applying for an amendment to the **Future Land Use Map** of the Master Plan shall follow the Project Neighborhood Participation Program (NPP) Administrative Provisions and Notice Provisions provided and set forth in the Comprehensive Zoning Ordinance for zoning map amendments, conditional use permits, and planned development districts. These regulations notwithstanding, no Project NPP shall be required for any Master Plan amendment proposed by the City Council, City Planning Commission or Mayor.”

Chapter I, Section G.3, Commission Policies, Policy for City Purchase of Land for Disposition of City Immovable Public Property:⁹

Existing: The following existing Rules, Policies, and Procedures are subject to change with the adoption of recommendations of the NPP for Land Use Actions.

- The applicant submits a list of all adjacent property owners, which includes only those within the blockface and properties adjoining the petitioned property.
- The Rules require consideration by the City Planning Commission within forty-five (45) days.
- While a public hearing is required, there is no requirement in any case that the applicant conduct a Project NPP, a pre-application neighborhood meeting requirement.
- If action on the property disposition is deferred. There are no provisions to allow an additional public hearing on a future date.

⁸ Additional changes from those published in Attachment A are highlighted.

⁹ See pages 36-42 of Attachment A.

Proposed:

- The first change in this policy deletes the requirement that the applicant submit a list of all adjacent property owners. City Planning staff now has the ability to produce that list for mailed notification.
- In the Procedures subsection, the requirement for mailed notice is extended to all property owners as well as occupants within 300 feet of the petitioned property.
- Due to previously amended public advertisement procedures, the timeline for consideration of all requests is proposed to change from 45 to 60 days.
- In the Public Hearing subsection, the proposed changes require a “Project Neighborhood Participation Program” neighborhood meeting prior to application submission, in the event that a property disposition involves both a street closure and a public hearing.
- In the case of a deferral, the City Planning Commission should explicitly provide for the continuation of the public hearing, so that the Commission may hear additional information or testimony.

The specific language for deletion and insertion are provided on the attachment, pages 36-42.

5. Updates for Consistency with State Law

Chapter I, “Administrative Rules, Policies and Procedures for the New Orleans City Planning Commission,” Section A, Item 1, “Regular Meetings: Time and Place”:¹⁰

Existing: “The Commission will only permit public comment and discussion at the public hearing. The Commission will not permit discussion or comments by the public at its Zoning or Planning Meeting portion of the meeting, except at the discretion of the Commission since most significant matters before the Commission have previously been submitted to public hearings.”

Proposed: *Delete the above in its entirety and insert in lieu thereof:*

“Any party seeking to address the Commission prior to the Commission taking action on an agenda item upon which a vote is to be taken should notify the staff.”

Reason for Change: To conform to R.S. 42:14 (D), which mandates that a public body permit public comment prior to any action whereby a vote is taken.

¹⁰ See page 11 of Attachment A.

Chapter I, “Administrative Rules, Policies and Procedures for the New Orleans City Planning Commission,” Section A, Item 4. 1., “Open Meetings and Executive Session”:¹¹

Existing: Discussion of the character, professional competence or physical or mental health of a person, provided that such person is notified in writing at least twenty-four (24) hours before the meeting and that such person may require that such discussion be held at an open meeting. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit;

Proposed: *Insert the following additional language (no other change to the above language):*

“However, nothing in this Paragraph shall permit an executive session for discussing an award of a public contract.”

Reason for Change: To conform to requirements of R.S. 42:17 (1).

Chapter I, “Administrative Rules, Policies and Procedures for the New Orleans City Planning Commission,” Section A, Item 5 “Public Notice: Fixed Date: Time and Place of Regular and Special Meetings”:¹²

Existing: “Written Public Notice of any regular, special, or rescheduled meeting shall be given no later than twenty-four (24) hours before the meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided that upon approval of two-thirds (2/3) of the members present, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, notice of the meeting shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.

A copy of the notice shall be posted on the bulletin board located at or near the Planning Commission’s office. A copy of the same notice shall also be provided to any member of the news media who requests same.”

Proposed: *Delete the above in its entirety and insert in lieu thereof (additions underlined):*

“Written Public Notice of any regular, special, or rescheduled meeting shall be given no later than twenty-four (24) hours before the meeting.

¹¹ See page 13 of Attachment A.

¹² See pages 13-14 of Attachment A.

Such notice shall include the date, time, place of the meeting and shall list each item on the agenda separately, describing the item with reasonable specificity. The agenda shall not be changed less than twenty-four hours prior to the meeting.

The Commission may take up a matter not on the agenda upon unanimous approval of the members present. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, and prior to any vote on the motion there shall be an opportunity for public comment on said motion.

In cases of extraordinary emergency, notice of the meeting shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.

A copy of the notice shall be posted no less than twenty-four hours before the meeting on the bulletin board located at or near the Planning Commission's office, at a location on the first floor of City Hall, and on the City Planning Commission's website; however, failure to timely post on the website or the public's inability to access the website shall not be a violation of these Rules. A copy of the same notice shall also be provided to any member of the news media who requests same."

Reason for Change: To conform to requirements of R.S. 42:19 and Section 2-12 of the City Code.

Chapter I, "Administrative Rules, Policies and Procedures for the New Orleans City Planning Commission," Section A, Item 6 "Voting":¹³

Existing: A simple majority of the existing members shall constitute a quorum. The affirmative vote of a majority of the existing members shall be required for the passage of any matter before the Commission unless otherwise specified by any other legislation. The failure of a motion to receive a majority of affirmative votes shall constitute no action either for denial or approval. Abstentions shall not be allowed pursuant to the Louisiana Code of Governmental Ethics (Chapter 15, Code of governmental Ethics of the Louisiana Revised Statutes). In the absence of a quorum at any regular or special meeting, the presiding officer may adjourn same to a later date, which shall be announced as set forth in 5 above.

A Commissioner may recuse himself/herself from participating and voting on a matter before the Commission. The Commissioner shall notify the Chair, the Vice-Chair, the Executive Director, and the Deputy Executive Director as soon as practicable of the planned recusal prior to the

¹³ See page 14 of Attachment A.

commencement of the meeting if reasonably known ahead of time and the basis shall be announced at the beginning of the meeting by the presiding officer.

Proposed: *Delete the above in its entirety and insert in lieu thereof (additions underlined):*

A simple majority of the existing members shall constitute a quorum. The affirmative vote of a majority of the existing members shall be required for the passage of any matter before the Commission unless otherwise specified by any other legislation. The failure of a motion to receive a majority of affirmative votes shall constitute no action either for denial or approval. A quorum shall be convened for the Commission to deliberate, receive information, or act on a matter over which the Commission has supervision, control, jurisdiction or advisory power. In the absence of a quorum at any regular or special meeting, the presiding officer may adjourn same to a later date, which shall be announced as set forth in 5 above.

A Commissioner shall recuse himself/herself from participating and voting on a matter before the Commission as required by the Louisiana Code of Governmental ethics. The Commissioner shall notify the Chair, the Vice-Chair, the Executive Director, and the Deputy Executive Director as soon as practicable of the planned recusal prior to the commencement of the meeting if reasonably known ahead of time, and the basis shall be announced at the meeting by the presiding officer. Abstentions shall not be permitted.

Reason for Change: Conform to requirements of R.S. 42:13 (A)(1).

6. Modifications to the Street Naming Policy

Chapter I, Section G.4. Street Naming Policy:¹⁴

Existing: The Street Naming Policy was most recently updated in 2011. Since that time, the CPC staff has been engaged in regular meetings with the staffs of the Mayor's Office of Information Technology and Innovation (ITI), which maintains the City's electronic geographic information for streets, the Department of Public Works, and other agencies whose functions are related to or depend on accurate street name and address numbering information. Based on these meetings and on the staffs' experience with proposals for new street names in recent years, the staff has identified

¹⁴ Originally proposed amendments are included in Attachment A pages 42-49. Additional modifications are included in Attachment B.

several portions of the policy that are unclear, outdated, incomprehensive, or inconsistent with language that has been adopted for other policies as a result of the Neighborhood Participation Program.

Proposed: The staff prepared recommendations for changes to several sections of the policy, which are provided in the attachment on pages 42 through 49. The recommendations cover various aspects of the policy, from updating the prefatory language to requiring pre-application meetings to establishing character, length, and abbreviation standards.

Suggestion: Since the language in the attachment was initially prepared, the staff has been able to have additional meetings with the relevant agencies. Based on those meetings, the staff now recommends changes to certain sections of the language that was previously recommended. These recommendations clarify and update the prefatory language, evaluation criteria, and other technical aspects of the policy. The recommended language is provided in two attachments, Attachment A, showing the recommended updates in a marked up version of the initial recommendations, and Attachment B showing the subsequent amended recommended language for the policy.

7. General Revisions to inconsistencies throughout the document

General revisions to the document are included in the attached “black-line” copy of the existing Rules, Policies and Procedures document (adopted July 24, 2012). They include but are not limited to changes to reflect changes in the membership of the City Planning Commission and its executive staff, updates to section titles and page numbers in the Table of Contents, corrections of any spelling or typing errors, changes to formatting and other minor technical changes as needed to facilitate the inclusion of the amendments described above.

Additional Suggested Change: Update Executive Director to Robert D. Rivers.

CITY PLANNING COMMISSION MEETING (FEBRUARY 11, 2014)

The Deputy Director summarized the information in the foregoing report.

Proponents: Mr. Nick Kindall spoke in favor of the amendments, specifically those incorporating the requirements of the recently adopted Neighborhood Participation Program (NPP) ordinance.

Opponents: There were seven individuals from the Faubourg Marigny neighborhood who spoke in opposition. The speakers are listed on the attached public hearing speaker sheet and card. Some speakers stated they had not had the opportunity to fully review the proposed changes, and requested additional time prior to Commission action. Some expressed concern regarding the proposed changes to the spot zoning policy, indicating their opposition to any changes that would

water down the policy. Others expressed concern over the City Planning Commission staff's recommendation to not require a project NPP for Master Plan Amendments that are proposed by the City Council, the City Planning Commission, or the Mayor.

The Deputy Director indicated that there is no deadline for CPC action for the proposed changes. Thus, the Commission could defer action if so desired. Additionally, she indicated the exceptions to the NPP requirements recommended by the staff are intended to avoid duplication of efforts, due to the City Charter mandated public outreach in conjunction with Master Plan amendments.

Commissioner Steeg asked whether the staff would support amended language relative to the exceptions that would state that, "No NPP would be required unless equivalent hearings were provided for under an equivalent section of the law." The Deputy Director responded that the staff would support that change.

Commissioner Duplessis indicated that he would support deferral of action to allow additional public input. Commissioner Wedberg also indicated his support of deferral as well as of the proposed amended language. The Commissioners asked the staff to provide a recommendation for such language when the Commission next takes up the matter.

The following motion for deferral of the requested Rules Changes until the CPC's March 11, 2014 meeting was made by Commissioner Duplessis, seconded by Commissioner Steeg and adopted:

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 002/14 IS HEREBY RECOMMENDED FOR DEFERRAL UNTIL THE MARCH 11, 2014 REGULAR CITY PLANNING COMMISSION MEETING:

YEAS: Brown, Bryan, Duplessis, Marshall, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Carlos-Lawrence, Williams

ADDITIONAL INFORMATION: MARCH 11, 2014

On pages 7 – 10 of the preceding staff report, the staff outlines recommendations for amendments to the City Planning Commission's Rules, Policies and Procedures to obtain consistency with the Neighborhood Participation Program (NPP), and to reconcile the CPC rules with recently adopted Ordinance No. 24,540 M.C.S.¹⁵ Ordinance No. 24,540 M.C.S. includes

¹⁵ City Council Ordinance No. 25,450 M.C.S. amends the Comprehensive Zoning Ordinance to include the Neighborhood Participation Program (NPP) notification provisions, as adopted by the City Planning Commission

only those portions of the Neighborhood Participation Program that are specific to zoning cases regulated by the Comprehensive Zoning Ordinance. The ordinance does not address notice in conjunction with Master Plan amendments. Thus, the City Planning Commission is addressing Neighborhood Participation Program requirements relative to amendments to the Master Plan in its Rules, Policies and Procedures.

On page 9 of this staff report, the staff suggested the following language:

“Amendments to *The Plan for the 21st Century: New Orleans 2030*, commonly called the Master Plan, shall follow the requirements and procedures of the City Charter. In addition, members of the public applying for an amendment to the **Future Land Use Map** of the Master Plan shall follow the Project Neighborhood Participation Program (NPP) Administrative Provisions and Notice Provisions provided and set forth in the Comprehensive Zoning Ordinance for zoning map amendments, conditional use permits, and planned development districts. These regulations notwithstanding, no Project NPP shall be required for any Master Plan amendment proposed by the City Council, City Planning Commission **or Mayor**.”

At the February 11, 2014 public hearing, several Faubourg Marigny residents expressed concern that the staff had recommended that no Project NPP be required for amendments to the Master Plan when proposed by the City Council, City Planning Commission or Mayor. The staff recommended this exception so as not to duplicate or create inconsistencies between the Master Plan amendment process spelled out in the City Charter, and any requirements included in the CPC Rules, Policies and Procedures.

Section 5-404 of The Home Rule Charter of the City of New Orleans includes the following language relative to procedures for amendments to the Master Plan:”

“**Mandatory Review.** At least once every five years, but not more often than once per calendar year, and at any time in response to a disaster or other declared emergency, the Commission shall review the Master Plan and shall determine, after one or more public hearings, whether the plan requires amendment or comprehensive revision. If amendment or comprehensive revision is required, the Commission shall prepare and recommend amendments or comprehensive revisions and readopt the plan in accordance with the procedures in this section. The Commission shall hold at least one public meeting for each planning district or other designated neighborhood planning unit affected by amendments or revision in order to solicit the opinion of citizens that live or work in that district or planning unit; it shall hold at least one public hearing to solicit

relative to certain types of land use cases that require public hearing before the City Planning Commission and/or City Council.

the opinions of citizens from throughout the community. In addition, it shall comply with the requirements of any neighborhood participation program that the City, pursuant to Section 5-411, shall adopt by ordinance. Each public hearing or meeting shall be duly advertised in a newspaper of general circulation at least fifteen (15) but not more than (45) forty-five days in advance. Upon completion of the public hearings and meetings and following the adoption by resolution of the amendment or comprehensive revision, the Commission shall forward the amendment or revision to the City Council for adoption by ordinance. Within ninety (90) days of its receipt, the Council shall adopt the amendment or revision to the Master Plan, reject the amendment or revision, or propose modification. If it proposes any modification, the Council shall refer it to the Commission for public hearing and comment. The City Planning Commission shall consider and provide a recommendation to the City Council on the modification within sixty (60) days of receipt from the City Council. The City Council shall take final action on the proposed amendment or revision within forth-five (45) days of receipt of the recommendation from the Council.

Additionally, the City is preparing to launch a new early notification system entitled “NoticeMe,” which is currently undergoing internal testing. This tool will allow individuals and groups to sign up for the service that will email them when critical land use actions occur. An individual can choose an area(s) of the city of interest, and when land use or zoning actions in the area(s) occur, they will receive an email notifying them. The notice will continue at several predefined stages, including the initial receipt of an application or amendment request, the production of staff reports, the scheduling of hearings, and actions taken by the CPC or City Council.

At the February 11, 2014 public hearing, Commission members requested that the staff propose revised language, which exempts the City from providing a Neighborhood Participation Program (relative to Master Plan amendments) only when public notice, meeting and comment requirements and the processes thereto are already addressed and mandated by law. To that end, the staff proposes the following revised language:ⁱ

“Any and all amendments to *The Plan for the 21st Century: New Orleans 2030*, commonly called the Master Plan, shall follow the requirements, process and procedures for notice and public hearing mandated by the City Charter. Members of the public applying for an amendment to the Future Land Use Map of the Master Plan shall follow the Project Neighborhood Participation Program (NPP) Administrative Provisions and Notice Provisions provided and set forth in the Comprehensive Zoning Ordinance for zoning map amendments, conditional use permits, and planned

development districts. A project NPP is not required for Master Plan amendments that are proposed by the City Council, City Planning Commission or Mayor, as the Charter legally dictates the City's notice, process and procedure for amendments thereto.

ⁱ Revisions are highlighted in grey.